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COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

L. Preston Bryant, Jr.
Secretary of Natural Resources

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David K. Paylor
Director

~~Jeffery A. Steers~~
Regional Director

**STATE WATER CONTROL BOARD ENFORCEMENT ACTION
SPECIAL ORDER BY CONSENT
ISSUED TO
BRISTOW MANOR LIMITED PARTNERSHIP
FOR THE
BRISTOW MANOR GOLF CLUB WASTEWATER TREATMENT PLANT
AND SPRAY IRRIGATION SYSTEM
(VPA00012)**

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code §§ 62.1-44.15 8(a) and 8(d) and 10.1-1185 between the State Water Control Board and Bristow Manor Limited Partnership regarding the Bristow Manor Golf Club Wastewater Treatment Plant, for the purpose of resolving certain violations of the State Water Control Law and regulations.

SECTION B: Definitions

Unless the context indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1184 and 62.1-44.7
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Special Order.
6. "Bristow" means Bristow Manor Limited Partnership, certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.

7. "Facility" means the Bristow Manor Golf Club located in Prince William County, Virginia.
8. "NVRO" means the Northern Virginia Regional Office of DEQ, located in Woodbridge, Virginia.
9. "Permit" means Virginia Pollution Abatement (VPA) Permit No. VPA00012, which became effective December 29, 2004 and expires December 28, 2014.
10. "WWTP" means the Bristow Manor Golf Club Wastewater Treatment Plant

SECTION C: Findings of Fact and Conclusions of Law

1. Bristow owns and operates a WWTP and its spray irrigation system located in Bristow, Virginia in Prince William County. The WWTP services the Bristow Manor Golf Club and approximately twenty-two residences. The design flow of the WWTP is 10,700 gallons per day. The Permit provides for wastewater treatment and spray irrigation of treated effluent to 5.2 acres of the Golf Club site, which is also used as a driving range. The Permit does not authorize discharges of wastewater to state waters.
2. A Consent Special Order was issued to Bristow on September 2, 2004 to resolve violations of its previous permit including improperly maintaining and operating the WWTP, exceeding affluent application limits, and failing to comply with monitoring requirements. Bristow fulfilled the requirements of the Consent Order and it was cancelled on January 23, 2006.
3. The Board has evidence to indicate that Bristow has violated the Permit. The violations are noted in the following Warning Letters (WLs) and Notices of Violations (NOVs)
 - WL No. W2006-07-1010, dated July 11, 2006 citing a violation of the Permit by failing to collect and analyze BOD and TSS samples twice within the month of May.
 - NOV No. W2006-08-N-0005, dated August 4, 2006 citing a violation of the Permit for failing to complete the monthly groundwater sampling in May 2006 for the parameters of Nitrate-Nitrogen, Chloride, Specific Conductivity, and Alkalinity for monitoring wells MW-3, MW-4, MW-5, DG-3, and DG-2B.
 - WL No. W2006-11-N-1024, dated November 13, 2006 citing violations of the Permit including exceeding both the weekly and monthly concentration average limit for Biochemical Oxygen Demand ("BOD") in September 2006

and for not submitting an amendment to the Sludge Management Plant by the due date of December 9, 2005.

- NOV No. W2005-12-N-0001, dated December 7, 2006 citing violations of the Permit including exceeding the monthly and weekly concentration average limit for BOD and also Total Suspended Solids ("TSS") in October 2006.
 - NOV No. W2007-01-N-0001, dated January 5, 2007 citing violations of the Permit including exceeding the monthly concentration average limit for BOD and TSS and the concentration average limit for fecal coliform in November 2006.
4. Although not cited in NOVs or WLs, the Board also has evidence to indicate that Bristow violated the Permit with the following violation:
 - May 2006 – Exceeding the monthly and weekly concentration average limit for BOD.
 5. In addition to Permit violations, the groundwater monitoring reports Bristow submitted in compliance with its Permit show the consistent presence of fecal coliform in all monitoring wells.
 6. DEQ staff met with representatives for Bristow and SES/Onsite Solutions ("SES"), Bristow's contracted plant operator, on January 18, 2007 to discuss the violations and groundwater monitoring reports. Michael Lynn of SES told DEQ staff that the permit limit violations were caused by the plant being "flushed out". Inflow & infiltration (I&I) problems in the sanitary sewer collection system and the resulting high flows caused the hydraulic overloading of the WWTP.
 7. Bristow and SES have been unable to determine the cause of the fecal coliform found in the groundwater monitoring wells.
 8. DEQ presented various measures that would increase the efficiency and effectiveness of the treatment process. These actions were agreed to by representatives of Bristow and have been incorporated into Appendix A of the Order.

SECTION D: Agreement and Order

By virtue of the authority granted it in Va. Code § 62.1-44.15 8(a) and 8(d) the Board orders Bristow Manor, and Bristow Manor voluntarily agrees to perform the actions described in Appendix A of this Order.

In addition, the Board orders Bristow Manor, and Bristow Manor voluntarily agrees, to pay a civil charge of \$6500.00 within 30 days of the effective date of the Order in settlement of

the violations cited in this Order. Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia", delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

The payment shall include Bristow Manor Limited Partnership's Federal Tax ID.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Bristow Manor, for good cause shown by Bristow Manor, or on its own motion after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified herein. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking action regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the waste water treatment plant; or (3) taking subsequent action to enforce this Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities, whether or not arising out of the same or similar facts, for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Bristow Manor admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Bristow Manor consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Bristow Manor declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Bristow Manor to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall act to waive or bar the initiation of appropriate enforcement actions or the issuance of

additional orders as appropriate by the Board or the Director as a result of such violations.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Bristow Manor shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or other such circumstance. Bristow Manor must show that such circumstances resulting in noncompliance were beyond its control and not due to a lack of good faith or diligence on its part. Bristow Manor shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Order. Such notice shall set forth:
 - a. The reasons for the delay or noncompliance;
 - b. The projected duration of any such delay or noncompliance;
 - c. The measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. The timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Director of the Regional Office in writing within 24 hours of learning of any condition above, which Bristow Manor intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim of inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. Any plans, reports, schedules or specifications attached hereto or submitted by Bristow Manor and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
11. This Order shall become effective upon execution by both the Director or his designee and Bristow Manor. Notwithstanding the foregoing, Bristow Manor agrees to be bound by any compliance date which precedes the effective date of this Order.
12. This Order shall continue in effect until:


agrees to be bound by any compliance date which precedes the effective date of this Order.

12. This Order shall continue in effect until:
- a. Bristow Manor petitions the Director or his designee to terminate the order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - b. The Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Bristow Manor.


Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Bristow Manor from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

13. By its signature below, Bristow Manor voluntarily agrees to the issuance of this Order.
14. The undersigned representative of Bristow Manor certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Bristow Manor to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Bristow Manor.

And it is so ORDERED this 26th day of September, 2007.


Thomas A. Faha, NVRO Regional Director
Department of Environmental Quality

Bristow Manor voluntarily agrees to the issuance of this Order.

By: 
PRESIDENT, BRISTOW MANOR, INC.,
Title: MANAGING GENERAL PARTNER, BRISTOW
MANOR LP,
Date: 7/31/07

State of Maryland
~~Commonwealth of Virginia~~
City/County of Prince George's

Bristow Manor Limited Partnership/Bristow Manor Golf Club

(Consent Under
Page 7 of 10)

July 31

2007, by

Michael D. Barry

who is

(name)

President - Bristow Development Corp.
Managing General Partner - Bristow Manor LP

of Bristow Manor on behalf of Bristow Manor

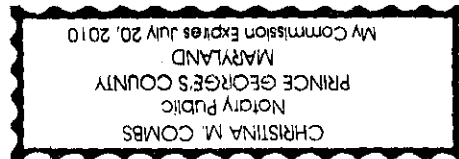
(title)

Christina M. Combs

Notary Public

My commission expires:

7/20/2010



APPENDIX A

Bristow Manor shall:

1. Develop and submit to DEQ for approval a plan for disinfecting the groundwater monitoring wells and for testing the wells for Fecal Coliform ("FC"). The plan shall include at minimum, three tests for FC, each at least 7 calendar days apart. Said plan shall be submitted by March 15, 2007 and completed within 30 days of DEQ approval.
2. Submit FC test results within 30 days of test completion. If FC test results are positive, DEQ will advise Bristow to conduct a statistical correlation study of the upgradient and downgradient wells to determine the extent to which the FC is migrating. Bristow Manor shall perform and complete this study within 30 days of notice from DEQ that the study is required. Results of the study, including an analysis of the most likely source of the FC shall be submitted to DEQ within 30 days of completion for approval.
3. If DEQ agrees or determines that the statistical analysis of the FC data indicates a probability of the stabilization pond leaking, Bristow Manor shall perform a dye test study in the pond to determine if the dye is migrating to the groundwater monitoring wells. Bristow Manor shall submit a study plan and schedule to DEQ for approval within 30 days of receiving notification from DEQ that the study is necessary and shall begin the study within 30 days of DEQ approval. Results of the dye test study shall be submitted to DEQ within 30 days of completing the study. Upon receipt, DEQ will determine if further actions are required to ensure that the lagoon is either intact or leaking. Failure to comply with those actions shall constitute a violation of this Order.
4. Submit a plan for improving the current process of disinfection at the treatment plant including: (1) determining effluent detention time in the chlorine contact chamber and ways to increase detention time; (2) improving methods for use of chlorine tablets; (3) switching to flow-paced liquid chemical disinfection; (4) conducting weekly FC sample collection at the end of the STP PVC discharge pipe. Sample analysis and step (1) will help determine the reasons for FC results above permit limits. Said plan shall be submitted by June 30, 2007 and initiated within 30 days of DEQ's approval.
5. Develop and conduct a study aimed at determining the sources of inflow and infiltration ("I&I") into the treatment system and the most effective method for limiting I&I, including private sources. Said plan shall include a schedule for

repairing the leaks identified within the outside grinder pump tanks and a determination regarding the feasibility of repairing the leaks found within the main pump chamber. Results of this study, including the plan and schedule for reducing I&I, shall be provided to DEQ for review and approval by June 30, 2007 and shall become an enforceable part of the Order. Bristow Manor shall initiate the plan within 30 days of DEQ approval.

6. Bristow Manor shall investigate the feasibility of repairing the 1,500 gallon main pump chamber and submit the results of said investigation to DEQ by September 24, 2007.
 - a. If Bristow Manor deems that the repairs are feasible, Bristow Manor shall submit along with the investigation results, by September 24, 2007, a schedule of completion for the repairs of the pump chamber. If after a period of 6 months from the date of repairs to the main pump chamber and outside grinder pumps, as stated in the previously submitted I&I schedule, DEQ determines that the I&I work did not sufficiently reduce flow to the plant resulting in fewer Permit effluent violations, DEQ shall notify Bristow Manor. Within 30 days of DEQ notification, Bristow Manor shall submit to DEQ for review and approval, plans and specifications for the installment of a 7,500 gallon equalization tank. Within 15 days of approval of the plans and specifications, Bristow Manor shall submit to DEQ a schedule of completion for the installation of the equalization tank, which shall become an enforceable part of the Order.
 - b. Alternatively, if after investigation Bristow Manor determines that repairing the main pump chamber is not feasible, Bristow Manor shall submit to DEQ for review and approval a preliminary engineering report (PER) by October 24, 2007 for the replacement of the existing pump chamber with a new pump chamber. Bristow Manor shall submit the plans and specifications for the new pump chamber within 30 days of PER approval. Within 15 days of approval of the plans and specifications, Bristow Manor shall submit to DEQ a schedule of completion for the installation of the new pump chamber which shall become an enforceable part of the Order.
 - c. If after a period of 6 months from the date of replacement of the existing pump chamber with the new pump chamber, DEQ determines that I&I work did not sufficiently reduce flow to the plant resulting in fewer Permit effluent limitations, DEQ shall notify Bristow Manor. Within 30 days from DEQ notification, Bristow Manor shall submit to DEQ for review and approval plans and specifications for the installation of a 7,500 gallon equalization tank. Within 15 days of approval of the plans and specifications, Bristow Manor shall submit to DEQ a schedule of

completion for the installation of the equalization tank, which shall become an enforceable part of the Order.

7. Develop and implement a kitchen waste / grease handling control program for the kitchen staff. The plan should include, at minimum, a grease trap cleaning schedule, a method of disposal for grease products (i.e. oil from frying, left over meats, and cleaning products), and dishwasher temperature limitations. This plan shall be submitted to DEQ for approval by April 1, 2007 and initiated within 30 days of DEQ approval.
8. Comply with its Permit requirements for notification of violations and noncompliance with permitted effluent limits.